

# **EXHIBIT A**

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IN THE JUSTICE COURT OF THE ELKO TOWNSHIP  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

\_\_\_\_\_  
IN THE MATTER OF AN  
APPLICATION FOR A  
SEARCH WARRANT BY  
DEPUTY DOUG FISHER,  
APPLICANT.  
\_\_\_\_\_

RECEIVED

JAN 28 2015

ELKO COUNTY  
SHERIFF'S DEPARTMENT

1           DEPUTY FISHER: Your Honor, the affidavit reads as  
2 follows: Judge Boatman, do you understand this phone call  
3 is being recorded?

4           THE COURT: Yes.

5           DEPUTY FISHER: Judge Boatman, prior to activation of  
6 this recording device, did we discuss any facts regarding  
7 this telephonic search warrant application?

8           THE COURT: No, we did not.

9           DEPUTY FISHER: This is Deputy Fisher of the Elko  
10 County Sheriff's Office and I'm making application for a  
11 telephonic search warrant pursuant to NRS 179.045. I am  
12 talking with Judge Boatman. The date is January 23, 2013,  
13 and the time of the call is 11:02 hours.

14           Judge, I would like to provide my oath on the record.  
15 I do solemnly swear that the evidence that I will give in  
16 my statements in support of the issuance of this telephonic  
17 search warrant is the truth, the whole truth and nothing  
18 but the truth.

19           I am a law enforcement officer employed by the Elko  
20 County Sheriff's Office in the County of Elko, State of  
21 Nevada. I have been so employed for more than one year.

22           I am conducting an investigation regarding possession  
23 of controlled substances and related crimes contained  
24 within the Uniform Controlled Substance Act which is  
25 Chapter 453 of the Nevada Revised Statute.

1           There is probable cause to believe there may be  
2 evidence of a crime inside a white 2001 Trail-Lite motor  
3 home, a vehicle bearing license plate Delaware RV24145, now  
4 situated at approximately Mile Marker 295 on Interstate 80  
5 in the County of Elko, State of Nevada.

6           The registered owner of the vehicle is Kyle William  
7 Hopkins, and the driver of the vehicle is Straughn Samuel  
8 Gorman.

9           The evidence sought to be found and constituting  
10 evidence that tends to demonstrate or disprove that  
11 criminal acts are being committed by the person or persons  
12 with custody or control of the vehicle is as follows:  
13 Controlled substances, paraphernalia, articles of personal  
14 property tending to identify the person or persons in  
15 control of the vehicle to be searched, and/or any  
16 contraband, fruits, instrumentalities and any evidence of a  
17 crime at this time unknown which may come into view of the  
18 searching officers, including but not limited to any  
19 instrumentalities or objects consistent with controlled  
20 substance violations, any persons who had occupied the  
21 vehicle at which time the search warrant is executed, any  
22 containers or items located inside the interior and/or  
23 exterior of the vehicle, any compartments which may need to  
24 be accessed by the use of tools.

25           In support of the probable cause to issue a telephonic

1 search warrant the following facts are based upon prior  
2 training, experience, personal knowledge, information, and  
3 belief: Deputy Fisher was on patrol along Interstate 80 in  
4 the County of Elko, State of Nevada in a patrol unit on  
5 January 23, 2013.

6 At approximately 10:25 hours, Deputy Fisher observed a  
7 white 2001 Trail-Lite motor home, a vehicle bearing license  
8 plate Delaware RV24145 traveling along Interstate 80 in the  
9 County of Elko, State of Nevada.

10 Deputy Fisher observed the vehicle's driver violate  
11 the traffic law in the following manner: As the motor home  
12 approached my location, I noticed the vehicle drift to the  
13 right and drive on the white fog line. I further noticed  
14 the driver had the curtain pulled forward on the driver's  
15 side window which obstructs the driver's view of the  
16 vehicle's left blind area which is a violation of  
17 NRS 484B.163 and 484B.300.

18 Deputy Fisher conducted a traffic enforcement stop on  
19 the vehicle at approximately Mile 295 on Interstate 80 in  
20 the County of Elko, State of Nevada, and made contact with  
21 the driver later identified as Straughn Samuel Gorman. The  
22 passengers were zero in numbers.

23 Deputy Fisher had reason to believe that the vehicle  
24 may contain controlled substance based on the following  
25 observations and information: The driver indicated --

1 correction. Let me back up. Upon initial -- upon initial  
2 lighting of the overhead lights, Deputy Fisher followed the  
3 vehicle for approximately four miles before the vehicle  
4 pulled over and noticed that he was following and trying to  
5 affect the traffic stop. The driver indicated he was  
6 traveling from Delaware to Sacramento, California and  
7 became very difficult at the beginning of the traffic stop.  
8 The driver indicated he'd been stopped about an hour  
9 earlier and did not want to answer any other questions.  
10 Based upon my training and experience and the abrupt  
11 initial contact I questioned the subject's reason --  
12 reaction when he agreed that the window view was  
13 obstructed. The driver indicated he had no job. And upon  
14 an EPIC check it was informed the driver had multiple  
15 border crossings with the most recent in 2012 from Madrid,  
16 Spain, into the United States. Secondly, it was informed  
17 the subject transferred \$11,000 cash to another subject  
18 with an unknown name.

19 Based upon this, Deputy Fisher obtained a trained  
20 canine in the detection of controlled substance to walk  
21 around the vehicle. The detection canine obtained was  
22 Canine Euros, a trained canine in the detection of  
23 controlled substances. Deputy Fisher of the Elko County  
24 Sheriff's Office is Canine Euros' handler.

25 Canine team Deputy Fisher and Canine Euros are trained

1 and certified to detect the odor of narcotics. These  
2 substance include marijuana, cocaine, heroin,  
3 methamphetamines, MDMA, more commonly known as ecstasy.  
4 Upon location of the narcotics odor, the dog's behavior  
5 will change. Canine handler Deputy Fisher conducts ongoing  
6 training daily, weekly and monthly to recognize Canine  
7 Euros' change in behaviors, which would indicate the alert  
8 for the odor of narcotics.

9 Canine team Deputy Fisher and Canine Euros are  
10 currently nationally certified to detect the odor of  
11 narcotics. Canine team Deputy Fisher and Canine Euros have  
12 met the basic standards set by at least one national canine  
13 certifying organization. Deputy Fisher has been a  
14 certified canine handler since December 2005.

15 Canine team Deputy Fisher and Canine Euros have proven  
16 reliability through their high level of continuous ongoing  
17 daily, weekly, and monthly training and through prior  
18 street performance.

19 Canine Euros alerted to the right rear fender and  
20 cargo department by displaying changes in breathing, rapid  
21 sniffs, along with a committed sit and stare response, with  
22 a final committed down and stay final response, which  
23 indicated to Deputy Fisher that there may be controlled  
24 substances or substances inside the vehicle.

25 THE COURT: Deputy Fisher, can you hear me still?

1 DEPUTY FISHER: Yes.

2 THE COURT: Can you repeat after you said "Deputy  
3 Fisher, there may be a controlled substance". I didn't --  
4 it cut off.

5 DEPUTY FISHER: Okay. It says Deputy Fisher, that --  
6 I'll just go back one. Which indicated to Deputy Fisher  
7 that there may be a controlled substance or controlled  
8 substances inside the vehicle.

9 THE COURT: Thank you.

10 DEPUTY FISHER: Deputy Fisher believes there's just  
11 cause to serve this telephonic search warrant at any hours  
12 of the day based on --

13 THE COURT: Deputy Fisher, start that part again.  
14 You're cutting out again.

15 DEPUTY FISHER: Sorry. Let me reposition the mic.  
16 Deputy Fisher believes that there is just cause to serve  
17 this telephonic search warrant at any hours of the day or  
18 night based upon the facts and/or circumstances: The  
19 vehicle was parked along the roadway where the vehicle is  
20 not normally parked, to not delay the driver and/or  
21 occupants from their travels, and so there is no added  
22 expenses with the prolonged delay in the driver -- driver's  
23 travels.

24 For this reason, Deputy Fisher requests a search  
25 warrant to search the vehicle for controlled substances,



1 paraphernalia, articles of personal property tending to  
2 identify the person or persons in control of the vehicle to  
3 be searched and/or any contraband, fruits,  
4 instrumentalities and any evidence of a crime at this time  
5 unknown which may come into view of the searching officers,  
6 including but not limited to any instrumentalities or  
7 objects consistent with controlled substance violations,  
8 any persons who had occupied the vehicle at which time the  
9 search warrant is executed, any containers or items located  
10 inside the interior and/or exterior of the vehicle, any  
11 compartments which may need to be accessed by the use of  
12 tools.

13       Your Honor, the search warrant reads as follows: The  
14 State of Nevada to any peace officer in the County of Elko,  
15 proof having been made before me by Deputy Fisher, by sworn  
16 under oath telephonic statement incorporated by reference  
17 herein that there is probable cause to believe evidence, to  
18 wit: Controlled substances, paraphernalia, articles of  
19 personal property tending to identify the person or persons  
20 in control of the vehicle to be searched, and/or any  
21 contraband, fruits, instrumentalities, and any evidence of  
22 a crime at this time unknown which may come into view of  
23 the searching officers, including but not limited to any  
24 instrumentalities or objects consistent with controlled  
25 substance violations, any persons who had occupied the

1 vehicle at which time the search warrant is executed, any  
2 containers or items located inside the interior or exterior  
3 of the vehicle, any compartments which may need to be  
4 accessed by the use of tools may be located inside a white  
5 2001 Trail-Lite motor home, a vehicle bearing license plate  
6 Delaware RV24145 now situated at approximately Mile  
7 Marker 295 on Interstate 80 in the County of Elko, State of  
8 Nevada, and as I am satisfied that there's probable cause  
9 to believe that said evidence may be located as set forth  
10 above and based upon the sworn telephonic statement of  
11 Deputy Fisher there are sufficient grounds for issuance of  
12 a search warrant.

13 You are hereby commanded to said location for said  
14 property, serving this warrant at any hours of the day or  
15 night, and if the property is there, to seize it, and leave  
16 a written inventory and make a return before me within ten  
17 days.

18 Your Honor, I am requesting authority to sign your  
19 name on two identical search warrants and authority to  
20 serve one copy upon the occupants of the vehicle and  
21 execute the search warrant immediately as I am at the  
22 vehicle right now.

23 THE COURT: All right. Deputy Fisher, you are going  
24 to be granted the search warrant on this, the 23rd day of  
25 January 2013.

1           DEPUTY FISHER: I'm going to sign it "Judge Boatman".  
2   The time is 11:15 hours. Your Honor, one warrant will be  
3   served upon the vehicle's occupants and the other warrant  
4   will be filed with the court along with the transcriptions  
5   of my recorded testimony.

6           Your Honor, I have placed your name on the duplicate  
7   originals and the correct date and time has been noted on  
8   each.

9           Thank you, Judge. Do you have anything else?

10          THE COURT: No, sir. Thank you very much. Be safe.

11          DEPUTY FISHER: Thanks, Judge. Bye.

12          THE COURT: Bye.

13   (Whereupon the Application for Search Warrant was  
14   concluded.)

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1 I, BRIAN E. BOATMAN, Acting Justice of the Peace of  
2 Elko Township, County of Elko, State of Nevada, hereby  
3 certifies:

4  
5 That CATHERINE A. FISHER was duly appointed and sworn  
6 to transcribe the telephonic search warrant application  
7 made and the telephonic search warrant which was issued on  
8 the 23rd day of January 2013.

9 That at the conclusion of the application, it  
10 appearing that there was probable cause for the issuance of  
11 the warrant, said search warrant was issued.

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16 Acting Justice of the Peace of  
17 Elko Township, Elko County, State  
18 of Nevada.  
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REPORTER'S DECLARATION

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DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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CATHERINE A. FISHER